

RESOLUTION NO. 070035

BOARD OF SUPERVISORS, COUNTY OF SAN MATEO, STATE OF CALIFORNIA

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**RESOLUTION AUTHORIZING AND DIRECTING THE PRESIDENT OF THE BOARD OF SUPERVISORS TO EXECUTE A SECOND AMENDMENT TO LEASE AGREEMENT WITH KIEWIT PACIFIC CO., WHICH EXTENDS THE TERM TO FEBRUARY 28, 2010 WITH TWO OPTIONS TO EXTEND THE TERM FOR SIX MONTHS EACH AND AUTHORIZES REDUCTIONS OF THE LEASED PREMISES, AND AUTHORIZING THE COUNTY MANAGER OR HIS DESIGNEE TO EXECUTE NOTICES, OPTIONS AND DOCUMENTS ASSOCIATED WITH THE SECOND AMENDMENT AND THE LEASE INCLUDING, BUT NOT LIMITED TO, EXTENSION OR TERMINATION OF THE AGREEMENT UNDER THE TERMS SET FORTH THEREIN.
(LEASE NO. 5325)**

RESOLVED, by the Board of Supervisors of the County of San Mateo, State of California, that

WHEREAS, County is owner of the airport in the County of San Mateo known as the Half Moon Bay Airport, a general purpose airport owned and maintained by County for the use and benefit of the public and for servicing the needs of aviation; and

WHEREAS, on April 22, 2008, the County and Kiewit entered into a Lease Agreement for the lease of 18,000 square feet of unimproved land at the Half Moon Bay Airport, at an initial monthly rent of \$4,500 for the purpose of storing, assembling and staging materials related to the Devil's Slide Tunnel Construction Project; and

WHEREAS, on June 24, 2008, County and Kiewit entered into the First Amendment, which extended the Expiration Date of the Lease to April 15, 2009, increased the Premises to 41,000 square feet with a corresponding increase in Rent to \$10,250 per month, and established a process to allow additional increases to the area of the Premises; and

WHEREAS, in accordance with the process set forth in the First Amendment, on July 31, 2008, County and Kiewit agreed to increase the Premises to 51,000 square feet with a corresponding increase in Rent to \$12,750 per month; and

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WHEREAS, the parties wish to further amend the Lease to extend the Term of the Agreement to February 28, 2010 with two options to extend the term for six months each, and authorizing Kiewit to reduce the leased area of the Premises.

WHEREAS, Government Code Section 25536 authorizes a county to enter into Lease Agreements for such services by a four-fifths (4/5) vote of its Board of Supervisors; and

WHEREAS, there has been presented to this Board of Supervisors for its consideration and acceptance a Second Amendment to Lease Agreement, reference to which is hereby made for further particulars, which extends the Term to February 28, 2010 with two options to extend the term for six months each and authorizes Kiewit to reduce the leased area of the Premises, in accordance with the terms and conditions contained in said Agreement, and

WHEREAS, this Board has examined and approved such Second Amendment to Lease Agreement as to both form and content and desires to enter into same.

NOW THEREFORE, IT IS HEREBY DETERMINED AND ORDERED that the President of this Board of Supervisors be, and is hereby, authorized and directed to execute said Second Amendment to Lease Agreement for and on behalf of the County of San Mateo, and the Clerk of this Board shall attest the President's signature thereto; and

IT IS FURTHER DETERMINED AND ORDERED that the County Manager or his designee is hereby authorized to accept or execute on behalf of the County, any and all written notices, options and documents associated with the Second Amendment and the Lease including, but not limited to, extension or termination of the agreement under the terms set forth therein.

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Regularly passed and adopted this 14th day of April, 2009.

AYES and in favor of said resolution:

Supervisors:

MARK CHURCH

CAROLE GROOM

RICHARD S. GORDON

ROSE JACOBS GIBSON

ADRIENNE J. TISSIER

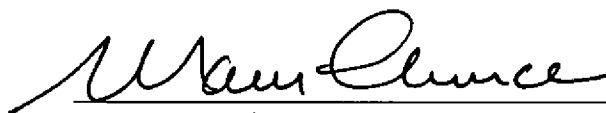
NOES and against said resolution:

Supervisors:

NONE

Absent Supervisors:

NONE



*President, Board of Supervisors
County of San Mateo
State of California*

Certificate of Delivery

I certify that a copy of the original resolution filed in the Office of the Clerk of the Board of Supervisors of San Mateo County has been delivered to the President of the Board of Supervisors.



*Marie L. Peterson, Deputy
Clerk of the Board of Supervisors*

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